



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

MARCH 25, 2019

9:30

Calendar No. 19-029: 12021 Lorain Ave.

**Ward 11
Dona Brady
25 Notices**

Linda J. Kihm Trustee, owner, and Barbara Crompton proposes to change use from carry-out restaurant to dining restaurant in a C2 Local Retail Business District. The owner appeals for relief from the strict application of Section 349.04 (f) of the Cleveland Codified Ordinances which states that 6 parking spaces are required and no parking spaces for the restaurant are proposed. (Filed February 20, 2019)

9:30

Calendar No. 19-030: 2304 Broadview Rd.

**Ward 12
Anthony Brancatelli
22 Notices**

Barry Post, owner, proposes to install a 40' x 8' shipping container for materials and tool storage in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b) which states that a shipping container for storage is not permitted in a Local Retail Business district.
2. Section 355.05(b) which states that a ten foot minimum setback is required on the rear third of a corner lot in a Local Retail Business District (Filed February 22, 2019)

9:30

Calendar No. 19-032: 7200 Brookpark Rd.

**Ward 13
Kevin J. Kelley
8 Notices**

M & G Equities, owner, proposes to erect/install four free standing signs and seven wall signs in a C3 Semi-Industry District. The owner appeals for relief from the strict application of Sections 350.15(b) and 350.20 (b) which state that 299.5 square feet total are permitted for wall signage and the appellant is proposing 1032.5 square feet; the code sections also state that 188 total square feet are permitted for pole signs on each driveway if not less than 500 feet from each other measured along property lines or if less than 500 feet but not more than 300 feet if less than 12 feet in height; the appellant is proposing four free standing signs with 372.5 square feet and #10 and #11 are within 300 feet of each other (Filed February 25, 2019)

POSTPONED FROM FEBRUARY 25, 2019

9:30

Calendar No. 18-283:

1575 Merwin Avenue

Ward 3

Kerry McCormack

10 Notices

******UPDATED DESCRIPTION******

Target Industries Inc., owner, proposes to use as a cocktail and dessert lounge (without entertainment) in a B3 General Industry District. The owner appeals for relief from the strict application of Section 349.04(e) of the Cleveland Codified Ordinances which states that one parking space per employee, plus one per 100 square feet or in this case 24 parking spaces are required and no accessory off-street parking is provided. A non-conforming use of a building or premises which has been discontinued shall not hereafter be returned to such non-conforming use without approval by the Board of Zoning Appeals per section 359.02; this property is nonconforming due to lack of off-street parking. (Filed December 11, 2018-No Testimony) *SECOND AND THIRD POSTPONEMENTS WERE MADE AT THE REQUEST OF THE CITY FOR FURTHER REVIEW. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR A MEETING BETWEEN HIM AND THE APPELLANT.*

POSTPONED FROM MARCH 4, 2019

9:30

Calendar No. 19-018:

3436 Broadview Rd.

Ward 13

Kevin J. Kelley

10 Notices

Aqua Santi Builders, owner, proposes to erect a 2 story rear bedroom addition attached to an existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that the Required Interior Side Yard is 5.85 feet and the appellant is proposing 1 foot.
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main building on the side lot is 4 feet 8 inches. (Filed February 4, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE DEVELOPMENT CORPORATION FOR FURTHER REVIEW.*

POSTPONED FROM FEBRUARY 25, 2019

9:30

Calendar No. 18-239:

3547 E. 49 St.

Ward 12

Anthony Brancatelli

6 Notices

Number Three Grace LLC., owner, proposes to establish use as a used truck sales lot on two parcels (to be consolidated) in a B3 Residence Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 342.02 which states that the use of the property in Residence Industry zoning district for second hand truck sales lot is not permitted but is first permitted in Semi- Industry zoning district per 345.03(c)(1)

2. Section 345.02(e) which states that adequate off street parking of trucks in is required to be screened from the streets or not nearer than fifty (50) feet to streets.
3. Section 345.02(f) which states that in a Residence Industry District, entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, than from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area. No such designation has been made by the City Planning Commission, BZA review and approval as noted is required.
4. Section 347.11(b) which states that all open areas of permanent use open sales lots that are intended either for display or for use as vehicular areas, shall be surfaced with asphalt, Portland cement, brick, paving block, or other dustless hard-surfaces, impervious all weather material approval by the Commissioner of Building and Housing. Gravel lot is proposed.
5. Section 347.11(c) which states that all permanent use open sales lots shall be graded for proper drainage. Storm water runoff shall be discharged into the City storm sewers or in another manner approved by the Director of Public Service. Water shall not be permitted to drain across public sidewalks or onto abutting lots. No grading or drainage plan submitted, no drains proposed on site plan.
6. Section 349.07(a) which states that accessory off street parking areas are required to be paved and drained and a gravel parking area proposed. No parking space striping shown on plan,
7. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that adjoins a building containing dwelling units, such parking spaces shall be screened from a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year round. No screening from adjoining lot containing dwelling unit(s) is proposed.
8. Section 349.05(a) which states that no parking space shall be located within ten (10) feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building or structure. (Filed October 19, 2018- Testimony Taken) *FOURTH POSTPONEMENT WAS MADE AT THE REQUEST OF THE BOARD TO ALLOW FOR TIME FOR BUILDING AND HOUSING TO REVIEW REVISED PLANS.*

NOTE: Regarding submittal of Revised Plan:

- **4, 5, and 6** may be deleted if applicant submits plan for proposed paving and drainage that is stamped/sealed by a professional engineer.
- **Item 7** may be deleted if an adequate landscape plan is submitted.
- **Item 8** is now in apparent compliance.